DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

JAMAL A. MORTON, individually and on)
behalf of all others similarly situated,)
)   **Case No. 3:20-cv-0109**
             Plaintiff,)
)
            v.)
)
THE UNITED STATES VIRGIN ISLANDS, *et*)
al.,)
)
          Defendants.)
)

ORDER

THIS MATTER came before the Court for a status conference on February 2, 2022. For the reasons stated on the record, it is hereby **ORDERED** that the parties shall adhere to the following schedule:

1. The parties shall have until **April 5, 2022,** to complete jurisdictional discovery, including propounding and responding to discovery requests and the completion of depositions.[1]

2. The parties shall jointly contact Magistrate Judge Miller to attempt an informal resolution of any discovery disputes prior to filing discovery motions.

3. The parties shall, **by no later than April 26, 2022,** file simultaneous briefs, with citations to the appropriate authorities and evidence, on whether this Court lacks subject-matter jurisdiction under the mootness doctrine[2] over the claims filed by Morton in the Amended Complaint. Any responsive briefs shall be filed no later than **May 3, 2022.** The parties shall also address in their respective briefs whether Plaintiff has exhausted his administrative remedies in his claim under 26 U.S.C. § 7422. *See Morton v. United States Virgin Islands*, Case No. 21-1929, 2021 U.S. App. LEXIS 38471, * at 6 n.6 (Dec. 29, 2021) ("For one, we note that Morton's 26 U.S.C. § 7422 claim requires administrative exhaustion.").

Dated: February 2, 2022   /s/ *Robert A. Molloy*
                                                              ROBERT A. MOLLOY
                                                              Chief Judge

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[1] The parties are authorized to conduct depositions remotely.

[2] During the December 14, 2020 hearing in this matter, the Government of the Virgin Islands advised the Court that it was no longer taking the position that incarcerated individuals were not entitled to Economic Impact Payments ("EIP"). Moreover, the Government proffered that it issued EIPs to Morton and other incarcerated individuals. However, there is no evidence of this in the record of this case.